

MONDAY, JANUARY 22, 2018

The regular monthly meeting of the Council of the City of Lebanon, Pa., was held in Council Chamber of the Municipal Building, Lebanon, Pa., this evening, Chairperson Parker presiding.

The meeting was called to order at 6:30 p.m.

Present—Mr. Morales, Mr. Parker, Mr. Wertz, Mr. Wilson, and Mr. Carey, Chairperson.
Absent--none.

Also present were Mayor Sherry L. Capello; Chief of Police Todd Breiner; Donna Long Brightbill, City Solicitor; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Duane Trautman, Fire Commissioner; 14 persons in the audience; and 1 member of the news media.

The minutes of the December 17, 2017, and January 2, 2018, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Chairperson Carey announced that Council received a budget report for the period January 1 through December 31, 2017.

Chairperson Parker announced that Council received the following communications:

- a. Mayor Sherry L. Capello, informing Council of the reappointment of George E. Christianson, Esquire, to the City of Lebanon Authority for a five-year term, effective retroactively to January 2, 2018.
- b. Mayor Sherry L. Capello, informing Council of the reappointment of Sgt. Brett Fisher, Officer John Zatorski, Sgt. Steve Bord, Jane Yocum, Edward Roznowski, Jr., and Terrence Feeman to the City of Lebanon Police Pension Fund Board for a four-year term, effective January 2, 2018.
- c. Mayor Sherry L. Capello, informing Council of the reappointment of Career Firefighter Michael Daub, Career Firefighter Brian Otto, and Martin Yocum to the City of Lebanon Paid Firemen's Pension Fund Board for a four-year term, effective January 2, 2018; and the appointment of Gregory Hower to the City of Lebanon Paid Firemen's Pension Fund Board for a four-year term, effective January 5, 2018.
- d. Mayor Sherry L. Capello, informing Council of the reappointment of Dr. Jeffrey Yocum, Fire Commissioner Duane Trautman, Code Enforcement Inspector Gerald Fisch, and Sandra Meluskey to the City of Lebanon Board of Health for a four-year term, effective January 2, 2018.

Mr. Parker introduced Resolution No. 1, as follows:

A RESOLUTION RATIFYING AN AGREEMENT BETWEEN THE CITY OF LEBANON AND THE LEBANON POLICE BARGAINING ASSOCIATION, AN AGENT OF THE

FRATERNAL ORDER OF POLICE, LODGE NO. 42, FOR THE YEARS 2018 THROUGH 2021.

Be It Resolved by the Council of the City of Lebanon, Pa., and it is hereby resolved by the authority of the same, That:

SECTION 1. The agreement between the City of Lebanon and the Lebanon Police Bargaining Association, an agent of the Fraternal Order of Police, Lodge No. 42, effective January 1, 2018, through December 31, 2021, be and the same is hereby ratified.

SECTION 2. A copy of said agreement is attached to and hereby made part of this resolution.

Mayor Capello reported that the changes in the contract were salary and benefits. The contract provides for an across the board increase of three percent each year. However, she explained that the three percent across the board increase officers with five or less years of service will receive the step increase set forth in the contract and will not receive the three percent across the board increase in salary. She added that health benefit changes included an increase in the deductible, an increase in the employee's share of the premium, an increase in the copay, and an increase in the spousal penalty.

Resolution No. 1 was passed finally on motion of Mr. Parker, seconded by Mr. Wertz. Yeas--Mr. Morales, Mr. Parker, Mr. Wertz, Mr. Wilson, and Mr. Carey, Chairperson--5; nays--none.

Mr. Wertz introduced Bill No. 1, as follows:

AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT FEES FOR THE CITY OF LEBANON, PENNSYLVANIA.

BE IT ENACTED AND ORDAINED by the Council of the City of Lebanon, Pa., and it is hereby enacted and ordained by the authority of the same by establishing stormwater management fees as follows:

SECTION 1. Title. This Ordinance shall be known as the Stormwater Management Fee Ordinance for the City of Lebanon.

SECTION 2. Purpose.

- A. The existing stormwater management system requires maintenance, repairs, enhancements, and replacement to meet existing and future needs, including flooding concerns and water quality, protection and improvement; and
- B. The City holds a National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection ("DEP"); and
- C. The NPDES permit requires the City to meet numerous requirements and regulations to comply with state and federal law; and

- D. A professional engineering and financial analysis of stormwater management needs and costs for the City has been performed; and
- E. The City finds it necessary to adopt a Stormwater Management Fee to defray the costs of complying with the NPDES program for MS4s.

SECTION 3. Authority.

- A. The City of Lebanon is empowered to regulate stormwater management activities and facilities by the authority of the Stormwater Management Act, 32 P.S. §680.1 et seq.
- B. The City of Lebanon is also empowered to regulate land use activities that affect stormwater runoff and stormwater management systems by the authority of Pennsylvania’s Municipalities Planning Code, 53 P.S. §10101 et seq.
- C. City Council is aware that it has been granted by the Pennsylvania General Assembly by and through the Third Class City Code and the Home Rule Charter and Optional Plans Law, and other legislation and through decisions of the courts of the Commonwealth of Pennsylvania, the power, the duty and the obligation to regulate and manage stormwater within the City and to recoup costs associated with such regulation and management from the owners of properties impacting the City of Lebanon’s stormwater system.

SECTION 4. Findings.

The City of Lebanon finds that:

- A. Inadequate development and maintenance of stormwater facilities increases stormwater runoff rates and volumes, contributes to erosion and sedimentation, overtaxes the carrying capacity of storm sewers and streams, increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increase pollution of water resources.
- B. A comprehensive program of stormwater management, including the generation of funding to pay for effective stormwater best management practices, is fundamental to the public health, safety, and welfare and the protection of people of the City of Lebanon, their resources, and the environment.
- C. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Approaches to water management that protect, restore, and mimic natural water cycles have significant environmental, social, and economic benefits and should be encouraged.
- E. Federal and state regulations include requirements for municipalities to implement a program of stormwater controls. Regulated municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (“NPDES”). In order to establish, operate, and maintain the stormwater infrastructure of the City of Lebanon, as well as

all systems upon which the stormwater infrastructure depends, sufficient and stable funding is required to fund these public services.

- F. The City of Lebanon intends to establish fair and equitable stormwater management fees based upon a Stormwater Pollution Control Fee Rate Study to assure that each lot within the City of Lebanon will pay its proportionate share of the costs of operation, maintenance, repair, administration, replacement, and improvement of all stormwater services provided or paid for by the City of Lebanon.

SECTION 5: Definitions.

BEST MANAGEMENT PRACTICES (BMP): Activities, facilities, measures, or procedures used to manage the volume, rate and water quality of stormwater runoff from a developed parcel. For the purposes of this credit policy, BMPs eligible for credits are those structural BMPs listed in the Department of Environmental Protection’s “BMP Effectiveness Values” document (publication number 3800-PM-BCW0100m, dated 5/2016), or latest version. Definitions for individual BMPs shall be as stated in the “BMP Description” column of the “BMP Effectiveness Values” document.

CITY COUNCIL: The duly elected governing body of the City of Lebanon, Lebanon County, Pennsylvania.

CREDIT: A Stormwater Management Fee reduction that a property owner receives for implementing and complying with the practices and policies laid out by the City of Lebanon.

DESIGN STANDARDS: Specifications, requirements, construction sequences, and other standards that must be met in order for an implemented BMP to receive credit. Design Standards for implemented BMPs shall be in accordance with the latest edition of the Pennsylvania Stormwater BMP Manual.

DEVELOPED PARCEL: A parcel altered from a natural state that contains impervious surface equal to or greater than 300 square feet.

DIRECTOR: The Director of the Department of Public Works of the City of Lebanon or the Director’s designee.

EQUIVALENT RESIDENTIAL UNIT (“ERU”)- The measure of impervious ground cover for a typical single-family detached residential property used in assessing fees for each parcel of property, and which is determined to be 1,780 square feet.

IMPERVIOUS SURFACE: A surface that prevents or significantly reduces the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: “roofs, driveways, parking lots, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets or sidewalks” in accordance with the City of Lebanon’s Stormwater Management Ordinance. Impervious surfaces shall also include areas of gravel and stone cover.

MAYOR: The Chief Executive and Administrative Officer of the City and the official head of the Lebanon City government who enforces the ordinances of City Council.

NON-SINGLE FAMILY RESIDENTIAL (NON-SFR) parcel: Any developed parcel not fitting the definition of single-family residential parcel, or not having a land use code of 101, 107, or 108 per data from the Lebanon County Assessment Office. Non-SFR parcels include, but are not limited to, multi-family houses, townhouses, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

OWNER: Any person, firm, corporation, individual, partnership, company, association, government agency, society or group owning real property in the City of Lebanon. Also may be referred to as “property owner” or “land owner”.

REPLACEMENT: The associated costs of obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the City of Lebanon stormwater management system so as to maintain the capacity and performance for which said system was designed and constructed, and shall include costs associated with improvements, including addition of best management practices to the stormwater management system.

SINGLE-FAMILY RESIDENTIAL (SFR) parcel: Developed parcel containing one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include single-family houses, single-family units, manufactured homes, and mobile homes located on individual lots or parcels of lands. An SFR parcel must have a land use code of 101, 107, or 108 per Lebanon County Assessment Office data.

STORMWATER: Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

STORMWATER MANAGEMENT COSTS: The associated public costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation and services required to:

- (A) Avoid, reduce, manage, treat, collect, convey, detain, infiltrate, pump and transport stormwater;
- (B) Keep equipment and facilities including best management practices functioning satisfactorily and economically;
- (C) Administer the stormwater management program, including regulatory compliance; and
- (D) Improve the City of Lebanon’s stormwater management system.

STORMWATER MANAGEMENT SYSTEM: The system of runoff avoidance, infiltration, collection and conveyance, including storm sewers, pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, channels, detention ponds, streets, curbs, drains and all devices/appliances and stormwater best management practices and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, avoiding the generation of, and treating stormwater.

STORMWATER MANAGEMENT FEE: A fee to be collected from each developed land parcel in the City of Lebanon and used to defray the cost of the City’s stormwater management program.

SECTION 6. Imposition, Billing and Collection of Stormwater Fees.

- A. Each single-family residential (SFR) parcel shall be charged annually for one (1) ERU in the amount of Sixty Dollars (\$60.00).
- B. All other developed non-single-family residential (NSFR) parcels shall be charged annually by dividing the total impervious area on a non-SFR parcel by the impervious area per ERU to determine the number of ERUs to assign to a parcel. One (1) ERU is billed at a rate of Sixty Dollars (\$60.00), with one ERU equal to 1,780 square feet of impervious area. Each additional ERU shall be billed at a rate of Twelve Dollars and Fifty-Six Cents (\$12.56).
- C. The stormwater fees fixed and established by this ordinance shall be effective as to all properties in the City of Lebanon. Stormwater fees imposed by this ordinance shall be assessed and billed by the City of Lebanon or their agent on an annual basis. Such assessments shall be payable at their face amount during the 30 days next following the date on which said assessment bill was mailed. The annual billing date shall be on or about January 1. For assessments in excess of One Thousand Dollars (\$1,000.00), property owners will be afforded the opportunity to make installment payments in accordance with a written policy and procedures established by the Mayor. The user fees assessed and collection will not be subject to proration or refund by the City of Lebanon in the event a property is sold; provided, however, that this sentence shall not bind a buyer and seller from making their own proration of any use fees assessed hereunder.
- D. Lebanon City Council may review and update the user fees fixed and established by this ordinance by resolution as deemed necessary.

SECTION 7. Late Payment Penalty, Interest Paid on Unpaid Stormwater Fees.

Stormwater fee charges shall be payable within 30 days of annual bill distribution, with a penalty of ten percent (10%) assessed on the 31st day. On the first day of each subsequent month in which the account remains unpaid, an interest charge of one-half percent (.5%) per month shall be added to the stormwater fee charge.

SECTION 8. Stormwater Management Fees Constitute Lien on Property.

In accordance with the Municipal Claims Act, 53 P.S. §7101, et. Seq., as amended, all stormwater fees, penalties, interest, collection fees, lien filing and satisfaction fees and other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject property from the date of their imposition and assessment. The City Solicitor and/or designated representative shall file such lien on or before December 31 of the year in which the account remains unpaid. Any collection, legal and filing fees shall be borne by the user.

SECTION 9: Credits

- A. Credits shall be available as described in the Lebanon City Stormwater Management Fee Credit Manual, attached hereto as Exhibit “A”, and incorporated herein by reference.
- B. Property owners seeking to obtain credits must complete and submit to the City of Lebanon Director of Public Works the Credit Application Form attached hereto as Exhibit “B” and incorporated herein by reference.
- C. The annual credit cap shall be \$75,000 in the aggregate. Credits will be distributed on a first-come, first-served basis until the credit cap is reached.
- D. If a Credit Application is approved, the property owner will receive credit beginning with the next regular billing cycle.
- E. The Mayor and City Council may review the credit cap and Credit Manual established by this Ordinance, and may modify the amount of the credit cap or the Credit Manual as deemed necessary.

SECTION 10. Petition for Review and/or Adjustment

- A. Within 30 days of the date of any assessment, a property owner may file a petition for review and/or adjustment to the Director in writing if the property owner believes that the property which is the subject of the assessment has had the fee incorrectly calculated.
- B. When submitting a petition for review and/or adjustment of the fee as set forth above, the property owner must include a detailed statement of the basis for the appeal and documents supporting the owner’s assertion that the fee has been incorrectly calculated, and pay any fees established by City Council for the handling of such review and/or adjustments.
- C. When submitting a petition for appeal of a denial of calculation of a credit, the property owner must include a detailed statement of the basis for appeal along with any documents necessary to support the appeal and pay any fees established by City Council for the handling of such appeals.
- D. If the Director concludes that the petition for review and/or adjustment should be granted, the City of Lebanon must submit an adjustment to the property owner’s bill and refund any overpayment for the current levy year to the property owner or apply a credit on the subsequent bill equal to the adjustment amount.
- E. No appeals may be taken to the Appeals Board unless and until a petition for reconsideration/adjustment has been filed with and ruled upon by the Director.

SECTION 11. City of Lebanon Stormwater Appeal Board.

- A. The Mayor, with Council approval, shall appoint a City of Lebanon Stormwater Appeal Board consisting of five members. The five members need not be residents of the City of Lebanon and shall hold no other office in the City of Lebanon.
- B. The Appeals Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Appeals Board, but the Appeals Board may appoint the hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Appeals Board as provided hereinafter.
- C. The Appeals Board may make, alter and rescind rules in forms for its procedure, consistent with the ordinances of the City of Lebanon and the laws of the Commonwealth. The Appeals Board shall keep full public records of its business, which record shall be property of the City of Lebanon, and shall submit a report of its activities to the City Council and Mayor as requested by the same.
- D. Any Appeals Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the City Council. The member shall receive at least a 15 day notice that a vote will be taken by City Council. Any Appeals Board member may be removed by a majority vote of City Council. A hearing shall be held by City Council in connection with the vote, if the member shall request the same in writing.
- E. The Appeals Board shall conduct all of its hearings and make decisions in accordance with the following requirements:
 - (1) Written notice shall be given to the applicant or appellant requesting the appeals hearing.
 - (2) The hearing shall be held within 90 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
 - (3) The hearing shall be conducted by the Appeals Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the finding shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the City of Lebanon, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
 - (4) The parties to the hearing shall be the City of Lebanon, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
 - (5) The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - (6) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine all witnesses on all relevant issues.

- (7) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (8) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- (9) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (10) The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings of fact and conclusions based thereon, together with the reason therefor. Conclusions based on any provisions of this chapter or of any ordinance rule or regulations shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written recommendations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within 90 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided above. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to Lebanon County Court of Common Pleas in accordance with the Local Agency Law of the Commonwealth of Pennsylvania.
- (11) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision or findings. To all other persons who have filed their name and address with the Board not later than the last day of the

hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(12) The City of Lebanon Stormwater Appeals Board shall have exclusive jurisdiction to hear and render final adjudications to:

- (a) Appeals of the Director's denial of a credit; and
- (b) A property owner's appeal/request for a review and an adjustment of the assessment on a claim that the fee has been incorrectly calculated.

SECTION 12. Fees for Petitions for Reconsideration and Appeals.

Upon submitting a petition for review and/or adjustment with the Director, the applicant shall submit a fee in the amount of Twenty-five Dollars (\$25.00). Upon filing an appeal with the City of Lebanon Stormwater Appeal Board, the applicant shall submit payment in the amount of Three Hundred Fifty Dollars (\$350.00).

Lebanon City Council may, from time to time, by resolution, establish fees for the processing and handling of petitions for reconsideration or adjustment and any other matters related to the enforcement of this chapter and including filing fees, court reporter and transcription fees.

SECTION 13. Policies and Procedures Authorized.

- A. The Mayor may adopt such policies and procedures as he/she deems appropriate to ensure collection of stormwater fees assessed and imposed pursuant to this ordinance. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency, filing of municipal liens and all other measures thereof which the Council may deem appropriate.
- B. All costs of such collection procedures, including, but not limited to, fees and filing, perpetuation and satisfaction of liens, collection fees, city administrative costs and engineering fees and costs, attorneys' fees and costs, court costs, litigation expenses, and charges for service of documents shall, upon being incurred by the City of Lebanon, be imposed as a charge for nonpayment and added to the balance due on said owner's account.
- C. No lien shall be satisfied, nor shall any collection proceeding be discontinued, until all amounts due on an account, including stormwater fees, interest, collection fees, City administrative costs and engineering fees and costs, attorneys' fees and costs, court costs, litigation expenses, and charges for service of documents are first paid in full to the City of Lebanon.
- D. The City of Lebanon may implement such administrative procedures necessary to implement the policies and requirements set forth in this ordinance.

SECTION 14. Stormwater Management Fund.

All stormwater fees and other stormwater-related funds shall be deposited in the Stormwater Management Fund of the City. This fund shall be a separate fund dedicated to the

operation, administration, maintenance, repair and improvement of the stormwater management system, and all related capital costs.

SECTION 15: Floods and Liability.

Floods from stormwater may occur occasionally that exceed the capacity of the stormwater system maintained and financed with stormwater fees. Nothing in this chapter shall be deemed to imply that properties subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in this ordinance shall deem the City of Lebanon liable for any damages incurred from stormwater or from adverse water quality. Nothing in this ordinance purports to reduce the need or necessity for flood insurance, and the City of Lebanon expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City of Lebanon, its officers, employees and agents arising out of any alleged failure or breach of duty with respect to the City of Lebanon's stormwater management system.

SECTION 16. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the City of Lebanon that this Ordinance shall stand on its own merit.

SECTION 17. Effective Date.

This Ordinance shall be effective upon adoption by Lebanon City Council.

Mayor Capello reported that each property generates stormwater runoff and stormwater is heavily polluted when it does not rain for a long period of time. Federal and state agencies require municipalities to implement a program to reduce the pollutants entering the Chesapeake Bay by 25 percent. Mayor Capello explained that the federal government implemented the requirements more than 20 years ago; however, Pennsylvania and other states challenged the mandate, but lost. Mayor Capello explained that the current permit is for a five-year period and each time the permit has renewed the requirements have been more strict.

The City of Lebanon contracted with Steckbeck Engineering and Surveying, Inc., prepare a Stormwater Pollution Control Fee Rate Study to determine the impact on property owners, including non-profits. She explained that SESI presented six scenarios, and she is proposing that Council adopt Scenario 6. Under Scenario 6, the fee for all single family residential units is \$60.00; and the fee for other properties ranges from \$60.00 to \$8,500.00. She added that under the first scenario, the fee for properties with the most impervious area ranged from \$23,000 to \$25,000. Scenario 6 slightly increased the fee for single family residential units and helped to relieve the burden on some of the businesses. Mayor Capello reported that the fee for single family residential units is comparable to the fee being assessed by the surrounding

municipalities. Councilmember Wilson asked what the fee is for city-owned properties to which Mayor Capello replied it is approximately \$13,188.00

Councilmember Wilson asked if there is a fee for a review and appeal. Mayor Capello replied that the process and fee for a review and/or an appeal are set forth in the ordinance.

Jim Roland, 914 Mifflin Street, Lebanon, questioned the legality of charging owners of single family residential units a higher fee to offset the cost for business owners. Mayor Capello explained that the city tried to look at what was a reasonable cost for everyone to be responsible steward for the earth. Municipalities are mandated to comply with the requirements and we tried to select a plan that was the most reasonable for everyone. City Solicitor Donna Long Brightbill confirmed that the proposed fee is legal.

Councilmember Wilson asked if there will be flexibility for payment since property owners will only have a 30-60 day notice of the implementation of the fee. Mayor Capello replied that the City must pay its share of the fee in February. She added that the ordinance provides for installment payments for those properties being assessed a fee of \$1,000 or more.

Mayor Capello reported that she anticipates the City will enter into a contract with Keystone Municipal Collections to handle the billing and collection of the fee, and she will provide details at the March meeting.

Amy Keller, , Lebanon, asked what projects will be completed under the Pollutant Reduction Plan. Mayor Capello replied that the projects include stabilizing erosion on stream banks and planting trees. In addition, the City must pay its share of administrative costs to the consortium. She added that any funds not used will be placed in the capital reserves at the end of the year.

Bill No. 1 was introduced and will be considered on final reading at the City Council meeting of February 26, 2018, on motion of Mr. Wertz, seconded by Mr. Morales. Yeas--Mr. Morales, Mr. Parker, Mr. Wertz, Mr. Wilson, and Mr. Carey, Chairperson--5; nays--none.

Mr. Wilson introduced Bill No. 2, as follows:

AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP OF THE CITY OF LEBANON, PA., TO ESTABLISH A “NO STOPPING, STANDING, OR PARKING” ZONE ON OLD FORGE ROAD, BETWEEN STEEL STREET AND CONCENTRATOR ROAD; AND REPEALING BILL NO. 21, SESSIONS 2016-2017.

WHEREAS, an Engineering and Traffic Study was conducted by the City Engineer for Old Forge Road, between Twelfth and Sixteenth Streets; and

WHEREAS, pursuant to the Engineering and Traffic Study, it is recommended that no stopping, standing, or parking be permitted on the north and south sides of Old Forge Road, between Steel Street and Concentrator Road.

NOW, THEREFORE, Be It Ordained by the Council of the City of Lebanon, Pa., and it is hereby ordained by the authority of the same, That:

SECTION 1. The Traffic Control Map of the City of Lebanon, Pa., is hereby amended by establishing a “No Stopping, Standing, or Parking” zone on the north and south sides of Old Forge Road, from Steel Street to Concentrator Road.

SECTION 2. The proper officials of the City of Lebanon are hereby directed to post signs along Old Forge Road in accordance with the Engineering and Traffic Study.

SECTION 3. Bill No. 21, Sessions 2016-2017, adopted on November 27, 2017, is hereby repealed in its entirety.

Mayor Capello reported that the traffic study for Old Forge Road included the area from 12th to 16th Streets; however, the study recommended a “No stopping, standing or parking” zone along Old Forge Road from Steel Street to Concentrator Road. Bill No. 2 is repealing the initial ordinance and specifies that the “No stopping, standing, or parking” zone is along Old Forge Road, from Steel Street to Concentrator Road.

Bill No. 2 was introduced and will be considered on final reading at the City Council meeting of February 26, 2018, on motion of Mr. Wilson, seconded by Mr. Wertz. Yeas--Mr. Morales, Mr. Parker, Mr. Wertz, Mr. Wilson, and Mr. Carey, Chairperson--5; nays--none.

The meeting was adjourned at 7:35 p.m.

CHERYL J. GIBSON, Clerk